

JURISDICTION:

General Reference:

Basis for a Speed Law Violation:

Basic Speed Rule:

Statutory Speed Limit:
See Other below.

Posted (Maximum) Speed Limit:

Minimum Speed Limit:

Posted (Minimum) Speed Limit:

Other:

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This chapter summarizes Utah State statutes related to speed.
Utah Code Annotated and Utah Administrative Code (UAC)

A person may not operate a vehicle at a speed greater than is reasonable and prudent under the existing conditions, giving regard to the actual and potential hazards then existing. §41-6-46(1)

If the following speed limits are exceeded, it is *prima facie* evidence that such speed was not reasonable or prudent. §41-6-46(3)
A) 55 MPH, except as noted, on highways or streets §41-6-46(2)(c) Note: See "I" under Posted Speed limits below.
B) 25 MPH in an urban district §41-6-46(2)(b)
C) 20 MPH in a "reduced speed school zone" §§41-6-20.1, 41-6-48.5(1) & 41-6-46(2)(a)

I. Based on traffic engineering and safety studies, the State Department of Transportation may establish different speed limits on highways under its jurisdiction.¹ §41-6-47(1) & (2) **Important.** The maximum posted speed limit cannot be >65 MPH on regular highways or >75 MPH on limited access ones. §41-6-47(3)(a)
II. Based on traffic engineering and safety studies, a local government may establish different speed limits on highways under its jurisdiction. §41-6-48(1) & (2) **Important.** The maximum posted speed limit cannot exceed those noted above. §§41-6-47(3)(a) & 41-6-48(1)
III. Based on an investigation, the State Department of Transportation may establish a safe maximum speed for any bridge or elevated structure. §41-6-50

I. A person may not operate a motor vehicle at a speed so slow as to impede or block the normal and reasonable movement of traffic. §41-6-49(1)
II. A person, driving at less than the normal speed of traffic, shall drive in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway. §41-6-53(2)

Based on engineering and traffic investigations, the State Department of Transportation or a local government may, on highways under their respective jurisdictions, establish a minimum speed limit for a highway. §41-6-49(3)

The governor may by proclamation alter speed limits on State highways in time of war or emergency. §41-6-46(4)

Adjudication of Speed Law Violations:

¹This includes the establishment of different highway speed limits either (1) for different types of vehicles (e.g., persons, who operate certain types of trucks may be required to drive these vehicles at a slower speed than those who operate other types of motor vehicles), (2) at different times of the day, (3) for highway construction, (4) for various weather conditions or (5) for other highway safety factors. §41-6-47(2)

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Civil/Criminal Adjudication of Violation: All Speed Law Violations are Class C Misdemeanors.² §§41-6-12(1) & 41-6-48.5(2)(a)

Other:

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,

Etc.):

Not more than **90 days** §76-3-204(3)

Mandatory Minimum Term:

None

Fine:

Amount (\$ Range):

Not more than **\$750**³ §76-3-301(1)(e)

Mandatory Min. Fine (\$):

The following mandatory minimum fines are imposed for driving >20 MPH in a "reduced speed school zone:" 1st offense-Vehicle Speed 21 to 29 MPH-**\$50**, Vehicle Speed 30 to 39 MPH-**\$125** and Vehicle Speed ≥40 MPH-**\$275** 2nd and subsequent offense-1st offense-Vehicle Speed 21 to 29 MPH-**\$50**, Vehicle Speed 30 to 39 MPH-**\$225** and Vehicle Speed ≥40 MPH-**\$525** §41-6-48.5(2)(a) Note: The court may order community serve in lieu of these fines or any portion of such fine. §41-6-48.5(2)(b)

²Even though exceeding the post speed limit is a Class C Misdemeanor, an appellate court allowed the prosecutor to change the offense's classification to an infraction. A person, who is convicted of an infraction, is subject to only a fine of not more than \$750. I.e., an offender is not subject to an incarceration sanction. In addition, a person, who is charged with an infraction, has no right to a jury trial. Not addressed was the issue of whether the trial court had the authority, via either statute or the State's constitution, to change the classification. Instead, the appellate court held that the trial court, by accepting the information for this offense as an infraction, agreed to limit the sanction to only a fine. *West Valley City v. McDonald*, 948 P.2d 371 (UtahApp. 1997)

³This is the maximum fine that may be imposed. However, the actual fine that is usually imposed for an offense is one that has been established via the Uniform Recommend Fine Schedule. This schedule is established via the State's Judicial Council. §76-3-301.5

Other Penalties:
Traffic School:

An offender may reduce the number of points on their driving record by completing a Defensive Driving Course. UAC R708-14-4 & R708-14-5
Double Fine for Speeding in Construction Zones. A person, who is convicted of speeding in a construction zone when workers are present, is subject to a fine which is **double** the amount of the fines in the Uniform Recommend Fine Schedule. §41-6-13(3)(a)

Other:

Licensing Action:
Type of Licensing Action
(Susp/Rev):

Suspension via a Point System⁴ §53-3-221(1)(f) & (4)

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Term of License Withdrawal
(Days, Months, Years, etc.):
Mandatory Minimum Term of
Withdrawal:
Miscellaneous Sanctions
Not Included Elsewhere:

Not more than **1 year** §53-3-221(8)(a)

None Note: License suspension action is discretionary.

Other Criminal Actions Related to Speeding:

Racing on Highway:

Class C Misdemeanor §§41-6-12(1) & 41-6-51

⁴**Point System.** I. Offenders ≥21 Years Old. An offender, who accumulates either 200 to 399 points, 400 to 599 points or ≥600 points is subject to respectively either a 3 month, 6 months or 1 year license suspension. In addition, "[t]he suspension time is doubled, up to a maximum of one year, for a second or subsequent suspension within a three year period." UAC R708-3-6 Offenders <21 Years Old. An offender, who accumulates either 140 to 199 points is subject to license "denial" for 30 days. If after first denial, they accumulate 140 to 199 points within 3 years, they are subject to a 60 day license denial. And, if after a second denial, they accumulate 140 to 199 points within 3 years, they are subject to a 90 day license denial. In addition, if an offender accumulates 200 to 249 points, 250 to 349 points, 350 to 449 points or 450+ points, they are subject to respectively 60 day, 90 day, 6 month or 1 year license suspension. Also, "[a] third or additional sanction within a three year period will result in a suspension at the next highest threshold, which doubles in length for each succeeding sanction within the three year period up to a maximum of one year." UAC R708-3-8 II. The following points have been assigned to speeding and speed related traffic law violations: Reckless driving-80 points; racing/drag racing/acceleration contest/exhibition speed-60 points; speeding too fast for conditions-50 points; speeding 1 to 10 MPH over the speed limit-35 points; speeding 11-20 MPH over the speed limit-55 points; speeding >20 MPH over the speed limit-75 points; exceeding the speed limit by less than 11 MPH on an interstate-35 or 55 points; exceeding the speed limit in a school zone 1 to 9 MPH-35 points; exceeding the speed limit in a school zone 10 to 19 MPH-55 points; exceeding the speed limit in a school zone ≥20 MPH-75 points; and, driving too slow-50 points. §§53-3-209(2), 53-3-221(4) & 63-46b-5(1) and the Point Violation Code Table as prepared by the Utah Driver License Division of the Department of Public Safety

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Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	Not more than 90 days §76-3-204(3)
Mandatory Minimum Term:	None
Fine (\$ Range):	Not more than \$750³ §76-3-301(1)(e)
Mandatory Minimum Fine:	None
Administrative Licensing Action:	
Licensing Authorized and Type of Action:	Suspension via a Point System ⁴ based either on (1) a conviction of a serious traffic offense or (2) frequent traffic law violations. §53-3-221(1)(d) & (f) Length of Term of
Licensing Withdrawal:	Not more than 1 year §53-3-221(8)(a)
Mandatory Action--Minimum Length of License Withdrawal:	None Note: License suspension action is discretionary with the licensing agency.
Other:	An offender may reduce the number of points on their driving record by completing a Defensive Driving Course. UAC R708-14-4 & R708-14-5
<u>Reckless Driving⁵:</u>	Class B Misdemeanor §41-6-45(1) & (2)
<u>Other Criminal Actions Related to Speeding:</u> (continued)	
<u>Reckless Driving:</u> (continued)	
Sanction:	
Criminal:	
Imprisonment (Term):	Not more than 6 months §76-3-204(2)
Mandatory Minimum Term of Imprisonment:	None
Fine (\$ Range):	Not more than \$1,000³ §76-3-301(1)(d)
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	I. Suspension via a Point System ⁴ based either on (1) a conviction of a serious traffic offense or (2) frequent traffic law violations. §53-3-221(1)(d) & (f) II. <u>1st offense</u> -The court may recommend suspension ; <u>2nd offense</u> (within 12 months)- Revocation §53-3-220(1)(a)(viii)
Length of Term of License Withdrawal Action:	I. Under the Point System- <u>Suspension</u> -Not more than 1 year §53-3-221(8)(a) II. <u>1st offense</u> -After a hearing, the licensing agency may suspend an offender's license for 3 months ; <u>2nd offense</u> (within 12 months)- <u>Revocation</u> - 1 year §53-3-225(1)(a)

⁵I. Reckless Driving is defined as operating a vehicle either (1) "in willful or wanton disregard for the safety of persons or property" or (2) "while committing three or more moving traffic violations under Title 41, Chapter 6, Traffic Rules and Regulations, in a series of acts within a single continuous period of driving." II. A person commits a Class A Misdemeanor if they recklessly engage in conduct, not amounting to felony, that creates a substantial risk of death or serious injury to another person. §76-5-112 Such conduct could include acts committed while operating a motor vehicle. A person convicted of a Class A Misdemeanor is subject to an imprisonment term of not more than 1 year and/or a fine of not more than \$2,500. §§76-3-204(1) & 76-3-301(1)(c)

Mandatory Term of License
Withdrawal Action:

I. Under the Point System-**None** Licensing action is discretionary. II. 1st offense-None; 2nd offense (within 12 months)- Revocation-1 year §§53-3-220(1)(a)(viii) & 53-3-225(1)(a)
Points may be reduced upon completion of a Defensive Driving Course.
UAC R708-14-4 & R708-14-5

Other:

Commercial Motor Vehicle (CMV) Operators⁶:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations"⁷ within a 3 year period or (2) commit 3 such violations within a 3 year period. §53-3-414(6)

Period of Disqualification:

2 serious violations (within 3 years)-Not less than **60 days** 3 serious violations (within 3 years)-Not less than **120 days** §53-3-414(6)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §53-3-414(6)

⁶A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., is designed to transport more than 15 persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §53-3-102(5)(a)

⁷A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §53-3-402(16)(a) & (b)